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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,675	09/21/2001	Ray Hicks	82596DAN	5604

7590 07/28/2005
Milton S. Sales
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EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/960,675	HICKS, RAY	
	Examiner	Art Unit	
	Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/01; 5/02</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanno.

With respect to claim 1, Tanno teaches an apparatus (see figure 1 or figure 4) for capturing a series of digital images from the scanner on medium 401 containing a

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series of visible images comprising a digital camera, (420) a media positioning means 114 and 115, a media illuminating means 110, an imaging station 113 and a means for encoding said media for identification of each of the visible images (i.e. for images with distant objects or characters/pictures on a black body, see col. 10, lines 53-64; the improvement comprising means for selectively positioning the camera under the control of a computer 212 and means 228 or 100 for storing information as claimed. See also col. 7, lines 19-25, 44-48, col. 18, lines 22-23 and 33-39.)

With respect to claim 2, Tanno teaches rollers 114 and 115 positioned in camera head in the Y axis with respect to image 410. See also figure 25.

With respect to claim 3, Tanno teaches that the camera is positioned in relation to the Z axis. See the vertical portion of arm 112. See also figure 25.

With respect to claim 4, Tanno teaches rollers 114 and 115 positioned in the camera head in the R axis with respect to image 410. See also fig. 25. See also col. 7, lines 41-47 for panning and tilting of the camera head. See also col. 4, lines 64-69.

With respect to claim 5, see zoom motor 102.

With respect to claim 6, Tanno teaches a method of capturing digital images from a media containing a series of visible images (images 401 or multiple image on 401)

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comprising positioning said media in relation to a digital camera 420, capturing a digital image from said media utilizing said camera, and 113 and a means for encoding said media for identification of each of the visible images (i.e. for images with distant objects or characters/pictures on a black body, see col. 10, lines 53-64; the improvement comprising means for selectively positioning the camera under the control of a computer 212 and means 228 or 100 for storing information as claimed. See also col. 7, lines 19-25, 44-48, col. 18, lines 22-23 and 33-39.)

With respect to claim 7, Tanno teaches certain images can be blotted out from reading . See col. 6, lines 47-55.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanno in view of JP 10271274 (hereinafter 274).

Tanno teaches all of the subject matter upon which the claim depends. For example, Tanno shows control part 20 connected to a plurality of device. (274) shows a printer connected to a plurality of sources from which images can be reproduced.

It would have been obvious to one of ordinary skill in the art to connect a printer to a control port to print digital images as suggested by printer 4 of figure 1 of (274)

3.

Allowed Claims

Claims 9-11 are allowed for the reasons the prior art does not teach in claimed combination, ".... Digital storage means for storing digital data comprising photographic image data derived from said digital camera, data pertaining to the position of said digital camera and data obtained from said input means."

4.

Examiner's Remarks

With respect to the first argument, applicant argues that Tanno does not disclose capturing a series of images from a medium containing a series of images.

The examiner traverses this argument. The TV camera 317 captures a series of motion images on its CCD. See also col. 1, lines 33-36.

With respect to applicant's second argument, applicant argues that Tanno does not disclose means for encoding the media for identification of each of the images.

The examiner contends that the media upon which images are disposed contains either a distant object, character or picture. Hence, the image is encoded as being either distant objects, a character or picture.

With respect to applicant's third argument, that Tanno does not disclose positioning the Camera under the control of a computer. In response thereto, the examiner invites applicant to see col. 7, lines 9-17. Here, the control signal from 212 is used to control camera pedestal 224.

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With respect to applicant's fourth argument, applicant argues Tanno does not disclose storing information regarding the positioning of the camera.

In response thereto, the examiner points out that the position data is stored in the since that it is received by 228 and compared against a prohibited moving area. Position detection device 2230 detects the position of the camera and supplies position information to control device 228. See col. 7, lines 19-23.

Applicant points that 100 is not capable of data storage. Tanno teaches holding information pertaining to the positioning of the camera.

With respect to applicant's fifth argument, applicant contends that Tanno does not disclose means for selectively positioning the camera as set forth in Claims 2-4.

Computer 212 is the means for selecting the camera position. Furthermore, applicant argues that there is no X or Y direction for the camera to move. The examiner disagrees. The circular locus of movement shown by figures 9, 13 and 16 constitute movement of the camera means in the x-y directions. This is clearly gleaned from the figures.

With respect to the argument found at the top of page 7, applicant argues that the camera is positioned in relation to the Z axis. The examiner's response is that the label of axis is relative to the assignment of the designer or operator of the apparatus.

5.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II

JEROME GRANT II
PRIMARY EXAMINER